

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELLE NGUYEN, *et al.*,

CASE NO. 2:23-cv-00855-RSL

Plaintiffs,

V.

MERCER ISLAND BOYS BASKETBALL
BOOSTER CLUB, *et al.*,

ORDER

Defendants.

This matter comes before the Court on “Defendants MIBBBC, Rebecca Robinson, Karen Friedman, and Kelly Coochise’s Motion for Rule 11 Sanctions.” Dkt. # 34. The parties have submitted declarations of counsel that contradict each other regarding the date on which the motion for sanctions was served on plaintiffs. Ms. Ashbaugh declares that plaintiffs were served via email on September 20, 2023. Dkt. # 35 at ¶ 5. Ms. Cochrane states that plaintiffs were not served with the motion until it was filed with the Court on October 13, 2023. Dkt. # 43-1 at 2.

Pursuant to Rule 11(c)(2), a motion for sanctions must be served at least 21 days before it is filed with the Court. Sanctions under the rule cannot be awarded if the opposing party is not given the benefits of the safe harbor provision, including a full and fair opportunity to withdraw the offending claims or allegations before the sanctions motion is filed. *See Barber v. Miller*, 146 F.3d 707, 709 (9th Cir. 1998). Because this issue

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1 is dispositive in this case, the parties are directed to provide, on or before April 4, 2024,
2 any and all evidence they have regarding service of the sanctions motion (or the lack
3 thereof).

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5 Dated this 28th day of March, 2024.

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8 Robert S. Lasnik
9 United States District Judge